

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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LORI MCLEAN,	)	
	)	
Charging Party,	)	Cause No. 0041010644
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
	)	
COSTCO WHOLESALE,	)	
	)	
Respondent.	)	

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On March 4, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party (Lori McLean) filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on May 21, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Lori McLean's assertion that Costco Wholesale aided and abetted her employer, Warehouse Demo Services Inc., in discrimination on the basis of disability. In reaching its decision, the Commission notes that prior to this hearing, the Commission voted to overrule Lori McLean's objection in the action against her employer. *See McLean v. Warehouse Demo Services Inc., Human Rights Commission Order Case No. 0041010645.*

After careful and due consideration, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) and Admin. R. Mont. 24.9.1714(5)* If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission adopts the findings of the Human Rights Bureau and the notice of dismissal is  
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affirmed.

Dated this \_\_\_\_\_ day of May, 2004.

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Mr. Gary Hindoien, Chair  
Montana Human Rights Commission

## **CERTIFICATE OF SERVICE**

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on May \_\_\_\_ 2004.

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Montana Human Rights Bureau